UNITED NATIONS

A

General Assembly

PROVISIONAL

A/47/PV.70
9 December 1992

ENGLISH

Forty-seventh session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE 70th MEETING

Held at Headquarters, New York,
on Tuesday, 24 November 1992, at 10.30 a.m.

President: Mr. DANGUE REWAKA (Gabon)
(Vice-President)

- Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba: draft resolution [39]

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In the absence of the President, Mr. Dangue Rewaka (Gabon), Vice-President, took the Chair.

The meeting was called to order at 10.40 a.m.

AGENDA ITEM 39

NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA: DRAFT RESOLUTION (A/47/L.20/Rev.1)

The PRESIDENT (interpretation from French): The General Assembly has before it a draft resolution issued as document A/47/L.20/Rev.1.

I now call on the representative of Cuba, who will introduce the draft resolution in the course of his statement.

Mr. HIDALGO BASULTO (Cuba) (interpretation from Spanish): A year ago the delegation of Cuba requested that the General Assembly consider in plenary session, and as a priority issue, the need to put an end to the economic, commercial and financial blockade imposed by the Government of the United States against my country. The continuation and reinforcement of that unjust and unlawful blockade have made its consideration imperative once again during this session of the General Assembly.

Cuba would have preferred that the reasons for bringing this item before the most important body of the United Nations had disappeared; that we were not facing circumstances equal to, and even more serious than, those that led the General Assembly quite correctly and legitimately to consider appropriate the discussion of this crucial issue for the future of my people. Regrettably, that was not to be.

While many, both within and outside of this Hall, may have hoped that the Government of the United States - in the face of indisputable evidence of rejection - would take measures to rectify a policy that violates

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international law, the Charter of this Organization, and many other legal instruments freely accepted by that country, the reality has been totally different.

To the amazement of international public opinion and in spite of the timely complaints and warnings from other States that would be affected by such decisions, the Administration of President George Bush decided to apply during this past year a set of new measures geared to reinforcing the blockade and tightening the siege by which the United States has, for more than three decades, been attempting to strangle Cuba. That circumstance renders even more urgent and relevant the debate that we are now commencing.

During the discussion of this item last year, it was irrefutably demonstrated that what my delegation was placing before the Assembly for its consideration was neither - as deceptively suggested then - an internal affair of the United States nor a bilateral issue between that country and Cuba, and thus inappropriate for consideration by the United Nations.

It was, and indeed still is, a policy carried out by the United States in violation of its most basic international obligations and to the detriment of the sovereignty and rights not only of Cuba but of its own citizens and of the international community as a whole. It was impossible for them to deny the obvious: that policy aimed to extend United States jurisdiction extraterritorially so as to compel Cuba and other States, as well as companies and individuals outside the territory of the United States, to comply with Washington's political decisions.

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Obviously, that behaviour stemmed from the desire to impose upon the Cuban people a political, social and economic system to the liking of the United States and selected by it and, essentially, to re-establish the domination the United States exerted during the darkest period of our history.

In the opinion of my country, the international community's resumed discussion of the conduct of the most developed country on the planet vis-à-vis a small neighbouring nation is not an exercise in rhetoric, and certainly not a propaganda exercise, as has been asserted.

The blockade is the most serious of the diverse forms of aggression that the Government of the United States has been waging against Cuba. It is an unethical, immoral act systematically designed to subject a whole country to hardship and hunger, in flagrant violation of the human, political and social rights of its people.

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It is the denial of our right to development, to national self-determination, to the exercise of our sovereignty; it is a breach of the essential norms of co-existence among civilized nations, of the principles of the San Francisco Charter: it is the worst contemporary example of how relations between rich and poor would be in a world designed at the whim of the most powerful.

The web of anti-Cuban legislation woven over the course of 30 years by eight United States Administrations has had a negative effect on my country's economy. As a result of legislation adopted by the United States, all imports and exports between the two countries are forbidden, as are any contracts between citizens of each country or with citizens of third countries residing in Cuba, the provision of services, financial transfers and the flow of scientific or technological information.

Legislation adopted by the United States restricts the freedom of its citizens to travel to my country; it is forbidden for United States planes to land in Cuba, regardless of the country from which they have taken off; illegal limitations are imposed, inter alia, on Cuban airlines in their commercial operations, including the use of routes close to the United States. As a result of United States legislation, severe restrictions are imposed on shipping, in violation of the principle of freedom of navigation and, with a dedication worthy of a better cause, there is close scrutiny for the presence of components or raw materials of Cuban origin in goods imported into the United States from third countries.

A listing of all the repressive actions that comprise this policy would be unending.

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Even if they were exclusively bilateral, as is also falsely alleged, they would constitute a shameful record of the flouting of the most universal norms of international law, not to mention basic moral considerations.

I can imagine no programmatic or ideological justification for those actions.

In 1776 in his classic An Inquiry into the Nature and Causes of the Wealth of Nations, Adam Smith proposed that

"trade serves more to unite than to divide peoples."

Even earlier, Baron Charles de Montesquieu had said that trade served to unite nations, since its natural effect was to incline towards peace.

From the outset the nature of the United States action has, as my delegation has always maintained, gone far beyond a decision with solely bilateral implications. There have been more than enough laws and examples since the 1960s to demonstrate that a priority objective for the Government of the United States has been to impose its decisions regarding Cuba on third countries.

The consequences of this policy for an underdeveloped country, one with a small amount of land and densely populated, an ex-colony that was until 1959 dependent on the economy of the United States, are truly immeasurable.

Not a single economic or social element of Cuban existence escapes the consequences of the blockade. From the beginning it meant a forced reorientation of all the country's trade towards different, more distant markets, the prohibition of access to known, nearby sources of technology and the abrupt severing of traditional financial links.

These are not abstract statements. To replace the United States locomotives used in our sugar industry, and adapt the railroad tracks as a

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result, Cuba had to invest $480 million. Under the new conditions the cost of the equipment that had to be purchased for sugar cane cultivation is estimated at $2.6 billion. Nine thousand United States tractors, 580 rice harvesters and tens of thousand of other items of agricultural equipment were rendered useless by the blockade. The cost was $100 million dollars. Losses in the nickel industry are at least $400 million, in the electric industry they are $120 million and in motor transport they are almost $100 million.

The blockade has meant losses of at least $3.8 billion for the tourist industry. Above-average costs for the charter of ships as a result of the United States restrictions add up to at least $375 million.

Civil aviation, telephone communications, the purchase of medicines and foodstuffs, intellectual property rights, sporting activities, access to technological know-how, access by the population to goods and services, the possibility of establishing two-way cultural communication between the United States and Cuba, and many other areas of our national life have all been affected by the harsh reality of the prohibitions.

Any calculation must of necessity be incomplete, but the most recent studies estimate that the material cost the Cuban people have had to pay over the course of 32 years as a result of the United States blockade is no less than $38 billion.

The actions taken in the past year by the Government of the United States not only confirm all my statements, but also add a number of elements, certain aspects of which are even more detrimental to the interests of the international community.

Allow me in this regard to review briefly a number of facts and to voice some brief reflections.

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Over the whole of the past year the Republican Administration and the United States Congress have been considering and arguing about an initiative regarding possible ways and means of strengthening the blockade, in the hope that the sudden rupture of Cuba's economic and trade links with the countries of the defunct community of socialist countries would give them an opportunity to achieve the goal of bringing about the collapse of the Cuban economy and of creating internal political pressures in Cuba that would contribute to the achievement of their aims and force my country to accept Washington's dictates. While in the Congress several proposals were taking the form of unified legislation, on 18 April President Bush issued an Executive Order forbidding entry into United States ports of third-country vessels engaged in trade with Cuba. In this context, for example, on 12 September the United States authorities refused entry to Long Beach Bay, California, for repairs, to a freighter flying the Greek flag transporting Chinese rice to Cuba.

The Executive Order also introduced additional restrictions on the dispatch of humanitarian aid packages to Cuba by United States citizens.

In his statement announcing that decision and referring to discussions taking place at the same time in the Congress, President Bush expressed his opposition to the sale of medicines and the donation of foodstuffs to official Cuban institutions. This statement ended with the following declaration:

(spoke in English)

"My Administration will continue to press Governments around the world on the need to isolate economically the Castro regime. Together we will bring to Cuba a new era of freedom and democracy."

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(spoke in Spanish)

With those words he reiterated the intention to continue to ignore the sovereignty of Cuba and of the rest of the international community, including many of his own allies.

That goal became reality, in a strange form, when discussions between Congress and the Administration finally gave birth to the legal monstrosity known as the "Cuban Democracy Act of 1992," which Congress passed on 6 October and the President on 23 October, exactly 32 days ago. A full description of the legal and political abomination that that Act represents would take up more than a volume and would probably require the efforts of many lawyers and specialists in behavioural disorders. A summary of the Act, its objectives and its effects, appears in the annex to document A/47/654, which all delegations have had the opportunity to examine. Out of respect for the intelligence of the Assembly I shall not attempt to repeat here the contents of that summary. However, some comments are essential.

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The first thing that comes to mind is the illicit and anti-juridical nature of this so-called law. From its title to its very end, it exudes a total disdain for the basic international obligations of any State - in this case the United States - in a civilized society of nations regulated by universally known and accepted norms, principles and legal instruments. The annex to the above-mentioned document A/47/654 describes grosso modo seven different ways in which one or several of the stipulations of that law flagrantly violate fundamental norms of international law.

In brief, those violations have to do with the aims and the nature of the policy vis à vis Cuba that is shaped by that law; the prohibitions imposed on the subsidiaries of United States corporations in third countries trading with Cuba; the restrictions and reprisals that will be applied against the shipping of third countries trading with Cuba - the above stipulations incorporate the Executive Order to the same ends issued by President Bush on 18 April last - the use of intimidation and the sanctions that would also, by way of reprisal, be imposed against third countries maintaining trade relations with Cuba; the permanent blockade of shipments of medicines and foodstuffs to Cuba; and the financing by the Government of the United States of groups in Cuba opposed to my country's present political system.

If the text is studied with care, it will be found that virtually all the fundamental norms or principles of international law that constitute the pillars of this Organization are undermined. It also contains some formulations of unparalleled cynicism disguised by the cosmetic language typical of the carrot-and-stick mentality that the promoters of this legislation have used to counter their many opponents and to persuade the naive of the alleged generosity and balance of the law. In fact, there is not

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a single word in that law that is not aimed at the unconditional subordination of the Cuban people.

It can be seen that, in reality, this has been the essence of the policy of blockade carried out against Cuba. Nevertheless, this new law returns to restrictive actions that were tried in the 1960s and that should be unimaginable 30 years later, in a world where East-West contradictions no longer exist and at a time when the birth of a "new order" is being hailed.

None the less, what truly amazes us and goes well beyond the importance of any of the specific stipulations of the law is the fact that, by approving this law, the United States Congress and President Bush have in fact decided and proclaimed openly that the violation of international law constitutes the law of the United States.

Can the international community meeting in this Organization turn a deaf ear to such a challenge? Would this not suffice to convince the most skeptical person of how serious a mistake it would be to ignore this arrogance without a commensurate response, and of the consequences that would entail?

It is indecent that to achieve the aim of stripping the Cuban people of its fundamental rights this law resorts to coercion through a complex system of restrictions, prohibitions, threats and sanctions, against both foreign Governments, companies and citizens and companies and citizens of the United States itself.

In the first case, the intention is to apply the law through the extraterritorial extension of United States jurisdiction, a method favoured of late by the authorities of that country. These attempts have been rejected, quite rightly and on the irrefutable basis of international law, by a number of States, both before and after the promulgation of the law. By way of

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example, allow me to quote briefly two consecutive paragraphs of the press release issued by the European Community on 8 October - two weeks before the promulgation of the law by President Bush - in which he was encouraged to veto it and prevent its entry into force. The two paragraphs say:

(spoke in English)

"The EC has persistently voiced its opposition to the unilateral extension by the U.S. of the reach of trade measures implementing U.S. foreign or national security policies.

"During the last two years, the European Community has been on record with other nations such as Canada in opposing legislative initiatives to tighten further the U.S. trade embargo upon Cuba. Such actions would have to be applied extraterritorially of the U.S. jurisdiction, in violation of the general principles of international law and the sovereignty of independent nations."

(spoke in Spanish)

After an appeal of this nature, can such a challenge by the United States to the international community be justified - as some have suggested - by considerations of internal or electoral policy? My delegation believes there is more to it, and that such disregard for international law is not to be taken as superficial, but rather as a prelude to extremely serious intentions in face of which the international community must be vigilant.

If any doubt remained that the Government of President Bush acted in full awareness of the positions it adopted vis à vis its international obligations, I would suggest the reading, in the United States Congressional Record, of the process of discussion and approval of this law and the study of the testimony of eminent lawyers, professors of prestigious universities in the United

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States and members of the United States Congress itself, who put forward diverse and substantial arguments regarding the flagrant contradictions between this law and international law, the constitutional rights of United States citizens and the economic interests of farmers and businessmen in this country.

I could quote here several of these interesting opinions or the various statements that many Governments have made public regarding this legislation, but I will limit myself to citing one very eloquent testimony. A little over two years ago, on 16 November 1990, President Bush refused to approve the law entitled "Omnibus Export Amendments Act", as he considered that it diminished presidential authority regarding foreign policy. In commenting on section 128 of that law, on the prohibition against United States subsidiaries in third countries from trading with Cuba, in his "Memorandum of Disapproval", he stated,

"There would be an extraterritorial application of United States laws that could compel foreign subsidiaries of U.S. companies to choose between violating the laws of the United States or of the host country".

Further comments are unnecessary.

What, then, could we say about this new law regarding Cuba? Its unfitting title, "Cuban Democracy Act of 1992", already announces in capital letters its interventionist aims. It would seem that in speaking of Cuba it does not refer to the sovereign and independent State which I am proud to represent, but to a territory or possession of the United States, such as the State of Massachusetts or the city of New York, even though, in fact, not even in those territories does Washington attempt to impose its will in such a manner. What it deceptively attempts to assign to the Cuban people is simply

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a subordinate and second-class nationality, thus openly disclosing the profoundly and inherently interventionist intentions with which United States authorities regard their neighbours to the South.

This law abandons all previous pretexts with which, until not so long ago, they disguised, under the cloak of foreign policy or national security, their one true aim of reimposing on Cuba the yoke from which my people has been free for as long as the blockade imposed by its old oppressor has been in force.

For these reasons many in the United States and elsewhere have rightly compared this law, known in its legislative stage as the Torricelli Amendment, with another of a similar character, the Platt Amendment, that the Government of the United Sates imposed on the Cuban Constitution of 1901 as a precondition to putting an end to its military occupation of the island, by which it granted itself the prerogative of intervening in Cuba and also stripped my country of part of its territory, which it still illegally occupies in Cuba's Guantanamo Bay. Orville Platt and Robert Torricelli have, for my people, exactly the same value: the equivalent of being historically and legally null and void. Before them, in 1896, Colonial Governor Valeriano Weyler proclaimed a policy of scorched earth and population reconcentration, closely akin to the present proposal of the Bush Administration; but it was not able to dash the Cuban people's urgent longing for independence.

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But this Law has greater scope than Weyler's edicts or Platt's blackmail. When the latter was imposed on it in 1901, Cuba was a subjugated and isolated nation under military occupation by the United States; today Cuba is free and has links with the rest of the world. Thus, to subjugate it anew, the United States would require the cooperation or the acquiescence of the international community. That is precisely what this law seeks to promote by coercive procedures against third parties.

With regard to the element of extraterritoriality that unquestionably characterizes this law, allow me to call to the attention of the General Assembly the fact that the original expression of extraterritoriality in United States legislation regarding the blockade derives from the attempts by Washington to decide the political, economic and social structure of Cuba, whose sovereignty it has unceasingly tried to subordinate to United States jurisdiction.

I should add, in this context, that, with regard to Cuba, extraterritoriality is not a recent phenomenon but a characteristic that has been present in the blockade policy since its very beginning and includes the efforts that the Government of the United States has been making for decades to secure the cooperation of other countries with that policy. The difference is that now, by means of a pseudo-legal formula, extraterritoriality is more openly proclaimed and more explicitly extended to those third countries that have links, no matter how legitimate, with Cuba.

Ihe United States blockade against Cuba has always been a policy inspired by genocidal intent and aimed at subjection of the Cuban people through hunger and deliberately provoked deprivation. For many years Cuba was able to

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mitigate the consequences of that policy through its foreign transactions and the economic and commercial relations that it established with the socialist countries, with which it came to conduct 85 per cent of its trade.

With the recent break in those relations, Cuba's entire foreign trade is now exposed to the pernicious effects of the blockade policy pursued by the United States, whose Government constantly persecutes each and every one of my country's commercial operations, obstructs Cuba's access to external sources of financing and tries to block potential involvement of foreign capital in Cuban development projects.

While this immoral, illegal and inhuman policy has not been and will never be capable of bending Cuba's will, it is none the less, in the present circumstances, doing severe damage to the economic and social development of the country, to consumption levels and to the general standards of living of the Cuban people.

Particularly harmful is the blockade imposed on foodstuffs and medicines, which forces Cuba to purchase those vital commodities in distant markets at prices that are higher by not less than 30 per cent. As was highlighted in the Congress of the United States by more than one participant in the hearings that preceded the adoption of this law, about 90 per cent of the goods imported by Cuba from United States subsidiaries in third countries - goods whose import is prohibited by this law - were specifically foodstuffs and medicines. As all representatives can imagine, the greatest hardship deriving from this inhuman policy is being suffered by the most vulnerable sectors of the population - the elderly, the ill and the children.

I have here a new list of arguments, a new set of "talking points", by which the Government of the United States is, this year, again, attempting,

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by deceptive and feeble reasoning, to oppose the General Assembly's consideration of agenda item 39, with which we are dealing today. Once again the Government of the United States has tried to prevent this Organization from complying with its inescapable duty to take a position on the brutal abuse of international law, and of everything that this Organization stands for, that the blockade against Cuba amounts to. We are aware of the representations the United States has made, to that end in a number of capitals, carrying a message that can be summed up in two sentences: "Give us a free hand to subjugate Cuba. Cuba is ours."

I believe it is obvious to all that we Cubans think very differently, and I am certain that the General Assembly and every one of its member States will refuse to let the fundamental principles uniting us all in this Organization be so grossly violated or replaced by a virtual "law of the jungle".

I shall return to this issue, but, having referred to the blockade on foodstuffs and medicines, I should like to dwell for a moment on one paragraph of the "talking points" I mentioned, in which the Government of the United States attempts to disguise the truth and even to present this shameful aspect of its policy as proof of generosity towards Cuba. I shall not refer to every one of the evasions, half-truths and falsehoods that make up that paragraph.

Document A/47/654 contains information that will enable representatives to draw their own conclusions; I want simply to bring to the attention of this Assembly some brief extracts from the resolution adopted on 12 November of this year by the United States organization called the American Public Health Association regarding the law recently adopted by the Government of the United States against Cuba. Its last preambular paragraph reads as follows:

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"Noting that APHA" -

that is, the American Public Health Association -

> "presented testimony on April 2, 1992 before the Committee on Foreign Affairs of the U.S. House of Representatives, and on August 5, 1992 before the Western Hemisphere Subcommittee of the United States Senate Committee on Foreign Relations, urging the Congress to reject this bill as an attempted attack on the health and well-being of an entire population".

Similarly, the resolution states in its first operative paragraph:

> "The American Public Health Association urges the new President and Congress to lift this embargo and pass legislation revoking the 'Cuban Democracy Act of 1992' as destructive to both the Cuban and American people."

As can be deduced from the foregoing, that prestigious organization, whose membership consists of more than 50,000 health professionals and community leaders in the United States, disagrees totally with the positions and arguments of its Government.

Like APHA, an increasing number of sectors of international public opinion are beginning to understand that the United States blockade against Cuba constitutes a crime against humanity and a brutal, flagrant, persistent and premeditated violation of the fundamental human rights of the Cuban people.

With regard to the new arguments formulated by the United States delegation, I must acknowledge that, perhaps because they were frightened at

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the crude way in which the United States threatened other countries last year, their version this year is less absurd. For the rest, with the exception of the logical updating required by an additional year of acts of aggression against Cuba, the new version uses the same fallacious arguments as the preceding one.

I believe that not many will be convinced today by the argument that the item we are now discussing is sijply a bilateral issue between Cuba and the United States or that the United Nations and its General Assemblyare not the appropriate forum in which to deal with this issue. I regard as truly ineffectual the argument that aims to dissociate the law promulgated by President Bush on 23 October from the blockade that has been imposed by the United States against Cuba for more than 30 years, as if they were different things.

For that reason, I don not consider it necessary to waste time in refuting this case; I shall simply, by quoting another paragraph of his aforementioned statement of 18 April 1992, let President Bush disprove it himself. Perhaps foreseeing some misinterpretation by his subordinates and as if to clarify things, the President of the United States said on that occasion:

> "I believe in and I am committed to work with the Congress this session to pass a stronger, more effective 'Cuban Democracy Act', which tightens the embargo and closes any unintentional loopholes ..."

I hope that this version from such an authoritative source leaves no doubt that the "talking points" are wrong.

The "talking points" also say that Cuba is trying to divert world attention from the many failures of its regime. Can it be that they regard as a failure the fact that Cuba has for more than three decades resisted, and

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in today's unfavourable conditions continues to resist, the brutal assault by the United States? Can it be that they consider it a failure that, in spite of the blockade, no one in Cuba starves or is forsaken - in contrast with the "successful" society of the United States?

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Can it be that they consider a failure the fact that Cuba has been able to achieve and maintain, up to now, one of the highest levels of health care in the world, in spite of the serious obstacles created by the United States blockade of medicines and foodstuffs? Is it a failure to have achieved a high level of cultural and scientific development, to have built a society based on human solidarity, to have eliminated racial discrimination and eradicated unemployment and illiteracy? Can it be that, because of those considerations, they are trying to return us to subjugation, poverty, hunger, ignorance, and that that is why they maintain and do everything in their power to improve the blockade against Cuba? Since I respect the intelligence of this Assembly, even that of the representatives of the United States, I will let each and every one here reply to these questions according to his or her better judgement.

Finally, Cuba is accused of attempting to misuse the United Nations for its own evil ends. Nothing could be more ludicrous. Everyone here and elsewhere is aware of who is attempting to make the United Nations a dependency of its own State Department and to what end.

Now, with respect to this fallacious argumentation of the United States, I would simply like to request the Assembly's opinion on the following questions: Where can a small country that, against the rule of law, is suffering aggression and being strangled by a great Power go but to the United Nations? Can that country be abandoned to the free will of the Power assaulting and strangling it? Would that not be the equivalent of denying this Organization and of giving powerful nations the authority to impose their will upon the weak? Would such an attitude correspond to the legal regime upon which contemporary international relations are based? By answering

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these questions members will no doubt understand why Cuba has brought this issue before the United Nations, as well as the reasons why the Government of the United States is trying to prevent consideration of agenda item 39 by the General Assembly.

In our case, we have also brought this issue to the United Nations because we believe in its role and in what it represents for the peoples of the world, and also because we trust in international solidarity in the face of injustice being committed by a country as arrogant as it is powerful. We know that millions and tens of millions of honest people worldwide, and in the United States itself, that numerous States, organizations and personalities are calling with increasing vigour for the cessation of this injustice and looking towards this Organization with hope. We know, too, that this effort will not end until lawfulness is restored, as nothing motivates mankind more than the urgency of redressing an injustice.

Before concluding, I would like to point out that my country fully understands that the main responsibility for the present situation regarding the issue we are considering today falls upon the outgoing Administration and that a new one is in the process of being incorporated into the Government of the United States. We also know that this outgoing Administration is the eighth among those that, with some variations, have in essence continued the policy of blockade against Cuba, and that it will leave, in this regard, a heavy legacy.

Several previous opportunities to correct the injustice we are addressing today have been squandered by more than one Administration of the United States. We believe, nevertheless, that the new Administration will also have before it the possibility of rectifying a wrongful policy, and we would

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prefer that it decide not to waste this opportunity. If this proves to be the case, Cuba, in the framework of strict respect for international law, will always be ready to seek the best solutions to controversial issues between our two nations.

To conclude, I would like to introduce the draft resolution contained in document A/47/L.20/Rev.1, which I trust all members have before them and on which my delegation would wish the Assembly to take action today.

I am doing so on behalf of a nation forged in the struggle for its own identity and independence. Our brief but intense history of struggle against two powerful empires has left no doubt in our minds. For our people there is only one way to live. This has been taught us by the most illustrious personalities in this harsh but unremitting battle of many generations.

One of the founders of our nation, who initiated the first of our wars of independence, in 1868, and who presided over the Republic in Arms, Carlos Manuel de Cespedes - to us Cubans, the "Fathor of the Motherland" - has taught us, more than a century ago, the Cubans of that time and those of today, that "Our motto is and will always be: Independence or Death. Cuba must not only be free, but it cannot be a slave ever again."

Mr. ARRIA (Venezuela) (interpretation from Spanish): With regard to the draft resolution before use, it is Venzuela's position not to intervene in bilateral relations between States, or the commercial implications deriving from such circumstances. It is quite clearly up to the parties to negotiate and resolve their differences in some other forum, within a bilateral context.

The matter now before the General Assembly is not one such situation. On the contrary, the adoption of legislation by the United States Congress, in approving a law that includes the so-called Torricelli Amendment, has given

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the situation a basically multilateral dimension, in that it has introduced penalties and restrictions that have a bearing on the sovereign right to free trade to which all the nations of the world are fully entitled.

If legislative bodies in one country were to be allowed to adopt laws of extraterritorial scope, we would then be faced with a questionable and an illegal precedent that might encourage an undesirable and unacceptable tendency on the part of a legislative body in any nation to try and legislate for the entire world. With all due respect for any democratic parliament, we must nevertheless state clearly that such approaches are not compatible with the universal process of democratization of relations between States and are indeed in open contradiction of the United Nations Decade of International Law, which the General Assembly proclaimed in 1989.

Venezuela is committed to the full application of the purposes and principles enshrined in the Charter of the United Nations and of the norms of international law, and, basically, those instruments that have now become sources of law. Here we would highlight General Assembly resolution 2625 (XXV) of 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations", which reaffirms the duty of every State to refrain in its international relations from military, political or economic, or any other kind of coercion directed against the political or economic independence of any other State.

The presumption to exercise jurisdictional sovereignty extraterritorially is therefore inadmissible in all its legal, political, economic and moral aspects. Conflicts between two parties are precisely that - between two

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parties. To presume to involve the entire international community in order to ensure that the interests of one of those parties prevails is totally unacceptable.

(Mr. Arria, Venezuela)

My delegation maintains that the draft resolution now before the Assembly does not involve a decision on the political aspects of the bilateral relationship between Cuba and the United States. What we are discussing is the sovereign right of nations that are not involved in a bilateral conflict to trade freely, as is guaranteed by the provisions of the General Agreement on Tariffs and Trade (GATT). We cannot understand how, nor can we agree that, a national law can compel other sovereign States to violate the trade norms laid down in GATT itself.

Venezuela endorses what other countries and groups of countries have said on this issue, to the effect that we must be able to guarantee the rights of all companies that are located in our territory and as a result are subject exclusively to our national legislation and the international commitments entered into by our countries.

My country will vote for the draft resolution, because we have an obligation to protect our jurisdictional sovereignty and our legitimate commercial interests, which would otherwise be damaged by the legislation of another country.

Mr. MONTAÑO (Mexico)(interpretation from Spanish): The item that we are discussing is of special interest to the Government of Mexico, since it relates to fundamental principles of international law.

My country's foreign policy is based on the conviction that respect for the law is the best guarantee of peace and harmony in the coexistence of States. Principles such as sovereign equality, self-determination and non-interference by a State in the internal affairs of others, all of which constantly guide my country's conduct of its international relations, have been elevated to the level of constitutional principles in Mexico.

(Mr. Montaño, Mexico)

In our participation in the work of the United Nations we have been committed throughout to strengthening and codifying international law, a task which becomes more pressing at times of uncertainty, such as those we are now experiencing, which arise out of a profound process of world-wide transformation. We are convinced that the new world order of freedom and justice which is being progressively built on the ruins of the old bipolar confrontation must be founded on respect for the sovereignty of States and full observance of international law. This view was expressed from this rostrum by the Minister for Foreign Affairs of Mexico in the general debate at this session of the General Assembly, when he said:

> "International law is the binding force that will make it possible to build a true international order at the end of this century. Our Organization must assume with clear vision, dedication and courage world leadership in the defence of international law. Respect for the internal jurisdiction of States is the basis for our civilized and peaceful coexistence." (A/47/PV.9, pp. 54-55)

Unremitting defence of, and promotion of respect for, international law is not only a recourse of weak countries in the face of the powerful. Nor can international law be an instrument used selectively by the powerful when it serves their interests, to be disregarded thereafter if it comes into conflict with those interests. As we stand on the threshold of a new century, with the end of the division of the world into antagonistic blocs of nations bringing us the opportunity of giving real meaning to the concept of international cooperation, Mexico believes that making international law prevail must be the fundamental commitment of all nations, regardless of their military power or level of economic development.

(Mr. Montaño, Mexico)

Among nations, as among individuals, law is an irreplaceable component of democracy, and the rule of law must find daily expression in all aspects of the life of society.

In the sphere of economic cooperation the new conditions of the world economy, characterized by vigorous and progressive interdependence, compel unlimited respect for freedom of trade and navigation, principles that are protected in many instruments of international law. The only exceptions they admit are situations that are clearly defined and regulated in those instruments themselves or in collective security mechanisms.

The countries of Latin America and the Caribbean are making considerable efforts at the domestic level to overcome our underdevelopment, modernize our economic structures and participate more broadly in the world economy. These efforts are complemented by our continued dedication to our aspiration to advance along the road of regional economic complementarity and regional liberalization of trade. Like the efforts of other groups of developing countries, they call for a favourable world environment, which includes full freedom of trade, free of protectionist attitudes and operating within a legal framework of absolute respect for the sovereignty and territorial integrity of States.

The Government of Mexico will always firmly reject any attempt to apply in its territory the legislation of any other State, which would be a violation of international law. In particular, when a country claimed that its legislation applied to Mexico's trade with third countries, my Government described that attitude as a violation of the basic principles of international law, and in particular the principle of non-intervention. It accordingly categorically rejected the validity of such claims.

(Mr. Montaño, Mexico)

The Government of Mexico maintains that a State's decision to establish trading links with another is a full expression of its sovereignty and consequently is not subject to the will of third States. It is for the Government of Mexico, and for it alone, in full exercise of its sovereignty, to decide with whom it will engage in trade relations and the modalities of such relations. Just as Mexico, of its own free will, decides its foreign policy, it has made it perfectly clear that the commercial and trading activities of Mexican corporations or corporations established in our country are governed, and will be governed, exclusively by Mexican legislation.

Those are some of the observations that my delegation deemed it appropriate to contribute to this debate, which we hope will help to emphasize in this forum the pre-eminence of international law and the sovereignty of States over secondary interests or political considerations.

Mr. SARDENBERG (Brazil): The consideration of item 39 by the General Assembly this year cannot fail to take into account recent developments that have met with concern in many different countries. In this respect, the Government of Brazil has made public

> "its concern over the promulgation, by the United States Government, on 23 October of this year, of legislation which extends to subsidiaries of American companies located abroad the sanctions applied to companies located within the United States which trade with Cuba. This legislation establishes additional restrictions, such as the ban, for 180 days, on the entry into U.S. ports of vessels which have called at Cuban ports.
>
> "The Brazilian Government is currently evaluating the implications of this legislation, in light of both international law and the interests of Brazilian companies, on the understanding that the relationships of companies located in Brazil with third countries are only regulated by Brazilian legislation, by international agreements to which Brazil is a party and by the decisions of international organizations of which Brazil is a member."

The end of the cold war, the disappearance of East-West confrontation, and the strong trend towards democratization, both within and between nations, have opened the way for a changing international situation with renewed prospects for understanding and international cooperation. This international atmosphere has encouraged negotiated solutions of persistent conflicts, as well as the overcoming of historical divergences. The same should apply in the case of Cuba. A renewed dialogue would facilitate change and help resolve pending problems in accordance with international law.

(Mr. Sardenberg, Brazil)

In this spirit, Brazil stands ready to cooperate so that Cuba can more easily overcome its current difficulties in peace, justice, freedom and democracy. Our objective remains the full reinsertion of Cuba in the Inter-American system. The Brazilian Government believes that an environment of mutual respect and full compliance with international law can help create the necessary conditions for overcoming the current differences affecting the relationship between Cuba and the United States. It is our hope that the deliberations we are undertaking under this item, and on the draft resolution presented by the delegation of Cuba on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America, will also be inspired by this atmosphere, so that mutual understanding and a will to overcome differences may make possible a constructive dialogue.

We have witnessed world-wide phenomena in which ideological, economic, commercial and financial barriers have been removed in favour of shared objectives of peaceful and mutually advantageous coexistence, prosperity, and welfare. It would also be most welcome if in our continent the climate of misunderstanding and confrontation which has characterized the relationship between Cuba and the United States could give way to new forms of understanding and cooperation.

The PRESIDENT (interpretation from French): I should like to propose that the list of speakers in the debate on item 39 be closed now. If I hear no objection, I shall take it that the Assembly wishes to act accordingly.

It was so decided.

Mr. WISNUMURTI (Indonesia): I deem it a privilege to deliver this statement on behalf of the non-aligned countries.

It is with deep concern that the non-aligned countries have observed the prolonged differences between the United States and Cuba. It is also regrettable that those relationships, which have persisted for over three decades, are now being further extended in the form of an embargo on trade. In this context, we believe that the use of economic sanctions against Cuba can only aggravate the situation. Punitive economic action on such a scale will inflict even greater hardship on the people of Cuba and impede their development aspirations. We therefore believe that such differences, no matter how deep or how intense they may be, should be resolved in accordance with recognized principles of international law and the Charter of the Organization.

At their tenth Summit Meeting, held last September in Jakarta, the Head of State or Government of the non-aligned countries stated that the attainment of stable peace, common security and social and economic justice must be firmly rooted in the rule of law, the precepts of the Charter, respect for the sovereignty of nations and strict adherence to the principle of non-interference in internal affairs of States, which should not be diluted or abridged. This is of particular importance in the present post-cold-war era of transformation in the relations among nations. The Summit also reaffirmed the inadmissibility of the use of force and the assertion by States of claims to exercise extra-territorial rights. In this context, the Summit called on the United States to terminate the economic, commercial and financial measures and actions that have been imposed on Cuba and called for negotiations to resolve their differences on the basis of equality and mutual respect.

(Mr. Wisnumurti, Indonesia)

The Non-Aligned Movement has always maintained that international relations must be governed by international law and by the principles of the Charter. At this juncture we cannot turn away from those approaches to resolving differences between nations. We remain convinced that rapprochement between the United States and Cuba would contribute to the stability of the region and to the promotion of cooperation, along the lines of what is taking place in other regions.

Mr. PAK (Democratic People's Republic of Korea): On 23 October 1992, in defiance of the strong opposition of the international community, the President of the United States signed into law the so-called Torricelli Amendment against Cuba.

As is well known, for over 30 years the United States has imposed an economic, commercial and financial embargo on Cuba and has sought to coerce it into adopting the political and economic system imposed by the United States.

However, upset by the firm confidence and will of the Cuban people, which has become even more unshakeable following the end of the cold war, the United States this time took further measures to tighten the economic blockade imposed on Cuba in order to stifle it and break the Cuban people's confidence in socialism.

The so-called Torricelli Amendment covers a number of measures that have an adverse effect not only on the main sectors of the Cuban economy but also on many social aspects, including medical care and food supply, which are essential to human life.

In adopting that Amendment the United States has exceeded the limitations of its national jurisdiction under international law and has also violated the sovereignty of other States.

The so-called Torricelli Amendment is structured not only to influence economic and commercial relations between Cuba and the United States but also to regulate Cuba's relations with other countries by envisaging punitive measures against its corporations and other Governments that maintain commercial relations with Cuba and applying sanctions against those nations that provide any type of assistance to Cuba, while at the same time prohibiting subsidiaries of United States corporations in third countries from embarking upon any commercial transactions with Cuba and prohibiting all

(Mr. Pak, Democratic People's Republic of Korea)

vessels that have entered Cuban ports from operating in United States ports for 180 days.

The so-called Torricelli Amendment, given its nature and aims, constitutes a flagrant violation of the fundamental principles enshrined in the Charter of the United Nations, which stipulates the development of friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples.

The Amendment also contravenes General Assembly resolution 2131(XX), which prohibits the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights, and resolution 2625 (XXV), which recalled the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the independence or territorial integrity of any State. It is also in violation of General Assembly resolution 36/103, which declares that it is the duty of a State in the conduct of its international relations to refrain from measures which would constitute interference or intervention in the internal affairs of another State, including any multilateral or unilateral economic reprisal or blockade as an instrument of political pressure or coercion against another State.

The elimination of coercive economic measures would contribute to strengthening friendly relations and cooperation between nations and to ensuring world peace and security. We are of the view that for the elimination of coercive measures all nations, and in particular big Powers, should first of all carry out their obligations under the Charter of the United Nations and international law. They should also respect the rights of

(Mr. Pak, Democratic People's Republic of Korea)

Member States freely to determine their political and economic systems and should refrain from interference in the internal affairs of other States.

In this regard we welcome the final document of the Tenth Summit Conference of non-aligned countries, held at Jakarta last September, which once again called for the termination of the economic, commercial and financial measures and actions imposed on Cuba for over three decades.

The delegation of the Democratic People's Republic of Korea maintains that the illegal blockade imposed by the United States on Cuba must end immediately and that the so-called Torricelli Amendment, which affects the sovereignty of both Cuba and of third countries that have economic and commercial ties with it, must be repealed without delay.

The Democratic People's Republic of Korea strongly rejects the so-called Torricelli Amendment, considering it to be a piratical one aimed at strangling Cuba and infringing upon the inviolable, sovereign rights of other States and a flagrant violation of international legal instruments that reaffirm freedom of trade and navigation as well as human rights. We urge the United States to take the necessary steps under the Charter of the United Nations to stop such arrogant acts as attempting to force its will upon other nations.

The delegation of the Democratic People's Republic of Korea would also like to take this opportunity to reiterate its support for and solidarity with the Cuban people in their struggle for the sovereignty of their country against interference and blockade.

Mr. TRINH XUAN LANG (Viet Nam): For more than 30 years the economic, commercial and financial embargo imposed on Cuba, which involves prohibition of the provision of foodstuffs, medicines, medical supplies and

(Mr. Trinh Xuan Lang, Viet Nam)

equipment of United States origin, has inflicted on that country enormous material losses and economic damage. Moreover, the Cuban Democracy Act of 1992, also known as the Torricelli Bill or Torricelli Amendment, which was signed into law last October, makes the economic difficulties even more serious, hinders the peaceful process of economic development in that country and inflicts indiscriminate suffering upon the Cuban people, including the elderly and innocent children. No peace-loving and justice-loving people in the world can accept that arbitrary act, which is completely at variance with the basic norms of international relations and the changing political atmosphere that now prevails in our planet.

Given the profound changes in international relations we have witnessed in the past few years, the post-cold-war world we are living in today is characterized by the intensified efforts of the international community to establish a rule of law, by the reduction of tension and by trends towards peace and the peaceful settlement of disputes. Our world today is also characterized by increasing trade and economic cooperation and by the interdependence of nations as a result of the globalization of the world esonomy.

(Mr. Trinh Xuan Lang, Viet Nam)

Respect for the national independence and sovereignty of States, for the right of peoples to self-determination and for equality between them have always been, and must forever remain, among others, the basic principles of international relations. It is on the basis of national sovereignty and self-determination, free from outside interference, that a State has the right to choose for itself the political, social and economic systems suited to its own specific conditions. No country in the world has the right to impose its will on others or to inflict punishment upon them if they are not resigned to bowing to its orders. All countries, big or small, rich or poor, strong or weak, have the equal right to exist, develop and participate on a non-discriminatory basis in world affairs.

In the present international context, as I have mentioned, the unilateral imposition of economic embargo by one country on another has become an obsolete policy. Therefore, the continuation and further strengthening of the embargo against a small and peace-loving country like Cuba has no justification whatsoever and runs counter to the positive trends of our times. The subordination of one country to another country's legislation runs counter to nations' right to self-determination and constitutes a serious violation of the United Nations Charter and of international laws, including the laws on freedom of trade and navigation.

In expressing their solidarity with the Government and people of Cuba, the Heads of State or Governmemt of non-aligned countries meeting in Jakarta, Indonesia, last September once again called for cessation of the unneighbourly acts against Cuba and termination of the series of economic, commercial and financial measures and actions imposed upon that country. Many countries,

(Mr. Trinh Xuan Lang, Viet Nam)

including some of those in Europe and North America, have voiced their concern over and rejection of the so-called Cuban Democracy Act of 1992.

Having been subjected to an economic and trade embargo for many years, the Government and the people of Vietnam fully sympathize with and strongly support the Government and people of Cuba in their legitimate demand for an immediate end to the economic, commercial and financial embargo imposed on them. We support Cuba's call on the international community to extend to that country the necessary cooperation, with a view to helping it mitigate the consequences of this embargo. We strongly believe that the lifting of the embargoes against Cuba and other countries will be a great contribution towards the economic development of those countries and towards promoting peace, international harmony and cooperation.

Mr. NYAKYI (United Republic of Tanzania): Last year, upon the urging of many delegations, including my own, the delegation of Cuba agreed to the deferment of the debate on agenda item 142 in order to permit the continuation of efforts, then under way, to ease the tension in relations between the United States and Cuba and to promote dialogue and a negotiated solution to their differences.

Regrettably, it must now be admitted that we were too optimistic. Not only has a whole year gone by without any visible improvement in the situation, but, as recent developments show, there has, in fact, been a deterioration of the situation. The new United States legislation constitutes unacceptable interference, not only in Cuba's internal affairs, but also in the right of third countries to choose their cooperating partners. By widening, tightening and intensifying the embargo against Cuba, the new law

(Mr. Nyakyi, United Republic of Tanzania)

amounts to a serious and dangerous escalation of this totally unacceptable pressure against Cuba. This body has a duty to speak out against this flagrant violation of the principles of the Charter of the United Nations and of international law.

My delegation welcomes the statement made by the Permanent Representative of Indonesia, speaking on behalf of the States members of the Non-Aligned Movement. It goes without saying that his statement has the full support of the Tanzanian delegation.

As my delegation understands the situation, this debate is not about the bilateral differences between Cuba and the United States of America. It is not about the different political and economic systems which the two countries have embraced. It is not about their differing reactions to the events of the last three-and-a-half years in Eastern and Central Europe and their repercussions throughout the world. It is about the right of countries, whatever their size, ideological persuasion or level of development, to choose, without interference from any quarter, their partners in international economic and commercial relations. It is about the right of third countries to exercise their freedom to choose whom to do business with. It is about the duty of States, big and small, rich and poor, to respect the principles of the Charter and of international law governing the conduct of relations between States. It is about the duty of the international community, and especially of its principal organ, the United Nations, to secure compliance by all Member States with their obligations under the Charter and numerous resolutions of the General Assembly.

(Mr. Nyakyi, United Republic of Tanzania)

Paragraph 2 of Article 1 of the Charter makes it clear that a fundamental purpose of the United Nations is the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. The embargo against Cuba is a clear violation of the provisions of this Article. It is also a violation of General Assembly resolution 2131 (XX), which prohibits the use of economic, political and other types of measures to coerce a State in order to secure the subordination of its rights. It is also a contravention of General Assembly resolution 2625 (XXV), which requires States to refrain from military, political, economic and any other form of coercion aimed against the independence or territorial integrity of any State.

(Mr. Nyakyi, United Republic of Tanzania)

It is also a violation of General Assembly resolution 36/103, which enjoins Member States to refrain from measures that would constitute interference or intervention in the internal affairs of other States, including any multilateral or unilateral economic reprisal or blockade as a means of exerting political pressure or coercion against other States. In this connection, it should be noted that this embargo is directed not only against Cuba but also against third countries' right freely to enter into economic and commercial relations with Cuba. Those countries, big and small, that complain that the embargo constitutes interference with their right to engage in trading relations with Cuba are therefore fully justified.

The last three and a half years have seen fundamental changes in the international arena - changes that hold great promise for a new world order based on the rule of law and, in particular, on the principles of the United Nations Charter. Many intractable conflicts have found solutions in which bitter enemies have become reconciled, and old rivalries have been buried. Sadly, the 30-year-old dispute between the United States of America and Cuba is one of the few exceptions, one of the few situations not to have benefited from the new climate of reconciliation, dialogue and accommodation. This is tragic because all the factors favouring a peaceful resolution of the differences are present in the current international environment.

The ending of the cold war, effectively eliminating super-Power rivalry in the Western hemisphere, has removed a major cause of friction between the two countries. In Central America, the replacement of the use of force by negotiations as a means of settling conflicts has removed another major cause of or excuse for friction and suspicion within and between countries of the

(Mr. Nyakyi, United Republic of Tanzania)

region and has ushered in a new era that holds the promise of good-neighbourliness and cooperation.

The communiqué issued by the Heads of State or Government of the Ibero-American States following their meeting in Guadelajara, Mexico, on 18 and 19 July 1991, in which they stated that

> "the principles of sovereignty and non-intervention are reaffirmed and recognition is given to each people's right to build freely, in peace, stability and justice, its own political system and institutions". (A/46/317, annex, para. 3)

That is an eloquent expression of the new spirit of understanding and cooperation in the region. The 23 leaders also pledged themselves

> "to promote greater democracy and pluralism in international relations, with full respect for the sovereignty, territorial integrity and the political independence of States, as well as the sovereign equality and self-determination of peoples". (ibid., annex, I (d))

The countries of the region deserve all encouragement and support in their efforts to resolve internal and inter-State conflicts and to find new ways of living and cooperating with one another. By accepting Cuba as an equal member of the region, the countries of the Latin American and Caribbean region have proclaimed, as loudly as they can, that Cuba poses no threat to anyone. They have also conceded to Cuba the right to organize its affairs in accordance with the wishes of the people of Cuba. We in this Assembly should call on all countries in the hemisphere to follow the example of the overwhelming majority of the countries of the region.

Mr. MALIK (Iraq) (interpretation from Arabic): While we value the efforts that have succeeded in bringing this vital issue to the General Assembly for debate and decision, we feel that, if the norms of international law and the provisions of the United Nations Charter had been complied with, this issue should have been dealt with by the General Assembly a very long time ago. The American embargo against Cuba has been in place for over 30 years. During that time, three aspects have become highlighted. The first relates to the long suffering of the Cuban people and its patience; the second relates to the failure of American policy; and the third relates to the manner in which this tragic situation and other similar situations have been dealt with at the international level as well as to the role played by the United Nations in such situations.

In discussing these three aspects, the most important point that takes precedence over all else is that this Assembly should be able to adopt the bold decision of calling for the lifting of the blockade against Cuba, the abandonment of the policy of imposing hegemony on peoples by means of terrorism, war and starvation and for adherence to the real principles enshrined in the United Nations Charter, international law and the Universal Declaration of Human Rights.

I do not think that the international community needs to be presented with statistics, figures and the details of events in order for it to assess the enormous damage that has been inflicted and continues to be inflicted on the Cuban people through the American blockade that has lasted for over 30 years. Undoubtedly the agencies of the United States Administration have a great wealth of information on the extent of the Cuban people's suffering and a very accurate assessment of the economic, social, psychological and other effects of the blockade.

(Mr. Malik, Iraq)

Such detailed information is a must for those agencies in the assessment of the results achieved by the blockade in the all-out effort to make the Cuban people submit to the American will. The long drawn-out embargo and the resultant economic conditions of the Cuban people underscore the blatant trampling by the United States of every value and of all the norms that govern relations between countries and peoples.

The United States has used a variety of methods in fighting the Cuban people. It has not confined itself to the economic embargo but has waged mass-media and psychological war on the Cuban people in addition to threats of direct military intervention. Not content with forcing its own institutions, corporations, companies and citizens to implement the embargo procedures against Cuba, the United States has resorted to various types of pressure, blackmail and threats in forcing other countries and their corporations to refrain from trading with Cuba.

(Mr. Malik, Iraq)

Such a policy cannot be considered as anything other than an act of aggression that falls under the definition of aggression in General Assembly resolution 3314 (XXIX) of 1974 and that runs counter to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations contained in General Assembly resolution 2625 (XXV) of 1970. It also contradicts the Declaration on the Preparation of Societies for Life in Peace, contained in General Assembly resolution 33/73 and runs counter to the Charter of Economic Rights and Duties of States, contained in General Assembly resolution 3281 (XXIX).

The huge losses sustained by the Cuban people as a result of the continued American embargo highlight the fundamental humanitarian dimension that should guide any consideration of the way to deal with such inhuman policies which entail great suffering and hardship for civilian populations, especially children, women and the elderly. The damage done leaves much deeper effects on the following generations and deprives those generations of the right to live in peace and tranquillity. Obviously, this is a flagrant and stark violation of the fundamental principles of human rights, as well as the principles of democracy and of equal opportunities.

There is no doubt that all these factors make the discussion of this item at this crucial stage in international relations a matter of very special importance as it embodies all the elements that propel it to the foreground as a case in point that refutes the claims made by the United States and its Western allies when they take to the high ground and declaim about the humanitarian motives of their campaigns in defence of freedom, democracy,

(Mr. Malik, Iraq)

international legality, the rule of law and human rights while the United States doggedly pursues the policy of starving those peoples who reject its hegemony and of depriving such peoples of the right to freedom and progress.

In the course of the general debate, at the beginning of this session of the General Assembly, several third world delegations voiced their rejection of the policy of double standards and of monopolization by certain strong Powers of the process of international decision-making at the expense of the smaller and weaker countries. Those delegations have called for a new world order that would embrace all on a basis of justice, equality and uniform, single standards.

The United States' posture against Cuba is not limited to Cuba. It is an aspect of a consistent policy and a permanent approach in dealing with the peoples of other countries.

I do not want to repeat what I said earlier, but I would remind you of what is happening at present to the Iraqi people as a result of the inhuman total United States embargo against Iraq that has been in place for over two years now, through the domination by the United States of the Security Council. The continued embargo against Iraq has no logical, legal or humanitarian justification. Iraq is committed to all the Security Council's resolutions. The letter from the Minister of Foreign Affairs of Iraq to the Secretary-General, dated 19 January 1992, as well as the statement delivered yesterday (23 November 1992) in the Security Council by Mr. Tariq Aziz, Deputy Prime Minister of Iraq, in which he expressed Iraq's full commitment to and implementation of Security Council resolution 687 (1991) and its cooperation with the United Nations bodies show that the realities of the situation make

(Mr. Malik, Iraq)

it incumbent upon the Security Council to discharge its obligations towards Iraq in accordance with the provisions of the same resolution and to lift the embargo and end the suffering of Iraqi people. The circumstances which were contrived as the pretext for plotting against Iraq, launching aggression against Iraq and imposing the embargo against its people no longer exist. In this connection, I should like to refer to the report of the mission headed by Prince Sadruddin Agha Khan which states that every month that passes brings a huge number of the Iraqi populace to the brink of disaster, and that the first victims, as usual, are the poor, the children, the widows and the elderly, i.e. the most vulnerable sectors of any society. The same report refers to the fact that the effects of the war and the economic sanctions will lead to the exhaustion of the reserves of food and basic commodities included among the subsidized food rations.

We can also refer to the numerous reports of the international humanitarian organizations, both governmental and non-governmental, which have visited Iraq and seen at first hand the critical humanitarian situation and the great shortages of medicines and food supplies, services and commodities which have resulted in exposing thousands of people to death, particularly children under five years of age. This situation makes it quite clear that the United States of America is depriving the Iraqi people as a whole of the right to life, which is the basic and most fundamental of human rights.

The Security Council resolutions which were drafted by experts in the United States Administration themselves have been exceeded by several stages. Those resolutions did not include originally the perpetuation of the embargo with the aim of killing 20 million Iraqi citizens.

(Mr. Malik, Iraq)

If the new international situation has made it possible for the United States of America to hand down its resolutions against Iraq and impose them on the Security Council, its embargo against the Cuban people has not been imposed through the adoption of resolutions by the Security Council. Obversely, the United States lifts the embargo against the racist regime in South Africa, regardless of the existence of binding international resolutions.

These contradictions in the American position are neither erratic nor accidental. They are simply symptoms of the policy of aggression pursued by the United States against peoples, and a reflection of its double standards in dealing with international issues. It is this posture that exposes the vacuity of all the hollow declamations about a new world order. That new world "order" cannot be an order, because it is not based on uniform stable rules: it is fluid and governed by double standards and colonial interests. Neither can it be a "world" order, because it is not universal, it is one country's "order", in alliance with its friends. And it certainly cannot be called "new", as it is a throwback to the hated age of colonialism.

(Mr. Malik, Iraq)

We call upon the international community and, in particular, we call upon the peoples of the third world, to unite in defence of the legitimate interests of their peoples, the principles of peace, prosperity, stability and in the search for a really new and a truly international order that takes its point of departure from the precepts of true universality, justice and democracy.

Proceeding from this, my delegation believes that the international community should take the required and just step to resolve this matter by calling upon the United States of America to end its embargo against Cuba and against other peoples.

Mr. RAZALI (Malaysia): The Malaysian delegation wishes to express its support for the position taken by Indonesia, which spoke in its capacity as Chairman of the Non-Aligned Countries. We share the position taken at the Tenth Summit Conference in Jakarta, in September 1992. We were a party in the taking of that position.

Although this matter can best be settled between the two countries, the right of Cuba to appeal to the United Nations must be respected, especially its concern over the issue of extraterritoriality.

Members of the United Nations are obliged to support fundamental principles of international law. The present climate of international cooperation and peaceful settlement of bilateral and international problems offers ample opportunities for countries in their best traditions to seek solutions to problems.

Inter-State relations are increasingly being directed towards cooperation rather than confrontation. Records of past history should not stand in the way of settling problems between countries. Old adversarial positions are not compatible with the present changed climate for the defusion of disputes and

(Mr. Razali, Malaysia)

conflicts. In this context we appeal for the issue to be settled on the basis of sovereignty and mutual respect.

Malaysia hopes that the support for the draft resolution at this session of the General Assembly will be a manifestation of the clear wishes of the majority at the United Nations to settle this problem peacefully and amicably. It is the belief of my delegation that should there be a normalization of relations there will be many significant and positive benefits for the region as a whole.

Mr. NDONG (Equatorial Guinea)(interpretation from Spanish): The Head of our Delegation, the Minister of Foreign and Francophone Affairs of Equatorial Guinea spoke in the general debate at the forty-seventh session of the General Assembly and now I, on behalf of the delegation of Equatorial Guinea, wish to take this opportunity to say to Ambassador Ganev of Bulgaria and the Bureau how pleased it is at the outstanding manner in which they are guiding our deliberations.

I wish to reiterate my country's and my Government's total commitment to and trust in the San Francisco Charter in general and more specifically the preambular paragraphs and Articles 1, 2, 33 and 41, setting forth clearly the purposes and principles, the pacific settlement of disputes, and action to be taken with respect to threats to the peace, breaches of the peace, and acts of aggression. It is my delegation's understanding that we should consider the substance of agenda item 39 against the background of those concepts. Each of us here as sovereign States Members of the Organization should become fully aware of our responsibilities and reconsider our old positions so that we can cooperate with this our Organization so that it can fully discharge its mandate to find solutions ensuring peaceful coexistence and international security for all.

(Mr. Ndong, Equatorial Guinea)

As members are aware, the Republic of Equatorial Guinea is a small country but it holds dear peace and tranquillity. We are one of the poorest countries of the world but we feel very proud, rich and important because of our ideals, our convictions, our faith in justice, sovereign equality, mutual respect, non-intervention in internal affairs and in the self-determination of peoples. We believe that these principles continue to be basic and valid and are the pillars underlying the construction of the true road to peace.

It is our unwavering conviction that it is the rejection of these principles, or attempt to discredit, devalue or invalidate any of these principles, that leads to current tension on the planet and could also suddenly lead to self-destruction, in other words, a third world war.

This issue, the necessity of ending the economic, commercial and financial embargo against Cuba, is in the view of my delegation rather arbitrary and unfair. Mankind has no colour, name or face. In my statement in the general debate at the forty-sixth session of the General Assembly, on 10 October 1991, when speaking on the item that is now before us for our consideration today, I said

> "...we urge the United States of America and the Republic of Cuba to open the doors to negotiations in order to arrive at solutions acceptable to the peoples on both sides, innocent victims of their rigid positions. That is an urgent requirement of the new era in which we find ourselves. The international community and history will praise and thank them for it." (A/46/PV.30, p.70)

In supporting the initiative at this session of the General Assembly and the efforts being made to unblock the situation we also appeal to all other

(Mr. Ndong, Equatorial Guinea)

sovereign States Members to support the decision which will be taken by the Assembly.

The Republic of Equatorial Guinea, consistent with its political beliefs and decisions and in keeping with international principles, is currently carrying out a democratization process and adopting a multi-party system, regardless of egoistical pressures and interests by third countries and false friends. Against this background of our convictions and in order to contribute to international peace we will vote in favour of draft resolution A/47/L.20/Rev.1.

(Mr. Ndong, Equatorial Guinea)

His Holiness Pope John XXIII, of sainted memory, in a sincere desire to bring together the entire community of believers, said when he opened Vatican II on 12 October 1962:

"We are not trying to establish who is right and who is not. There is only one thing that we will say to all of you. Let us reunite."

In the political sense, reuniting means searching for peace. The international community and the development of the poorest and most disadvantaged countries require this; it is an imperative.

Mr. ELHOUDERI (Libyan Arab Jamahiriya) (interpretation from Arabic): My country's delegation supports what was stated by Indonesia on behalf of the non-aligned countries.

The economic, trade and financial embargoes imposed by certain States on other States are factors which cause tension in international relations, for, in addition to the extremely harmful effects of this type of blockade, coercive measures in any shape or form run counter to the principles of international law and contravene the resolutions of the United Nations. Article 32 of the Charter of Economic Rights and Duties of States, adopted by the General Assembly at its twenty-ninth session, stipulates that

"no State should use or encourage the use of economic, political or other measures to coerce another State so as to obtain from it the subordination of the exercise of its sovereign rights."

(3281 (XXIX), art. 32)

This clear principle which emanates from the Charter of the United Nations has been reiterated in several General Assembly resolutions, such as 38/197, 39/210, 40/185 and 44/215 in which the General Assembly calls upon all developed States to refrain from the threat of imposing trade restrictions, blockades or embargoes or any other economic sanctions against developing

(Mr. Elhouderi, Libyan Arab Jamahiriya)

countries, as such practices run counter to the Charter of the United Nations and to multilateral and bilateral commitments and constitute a form of political and economic coercion that has negative effects on the economic development of the countries subjected to them.

In this context, we would recall that the ministerial conference of the Group of 77 last year called upon the international community to adopt urgent and effective measures to put an end to the use of economic coercion measures, especially against developing countries as a means of imposing the will of any one country on another. The non-aligned countries also have taken the same stance in the declaration agreed to by the Ministers of Foreign Affairs of the Movement last May wherein they voiced their regret regarding the continued use of coercive economic measures against developing countries.

The world-wide consensus embodied in these international instruments, resolutions and declarations clearly underscores the international community's rejection of this coercive approach in international relations. Regardless of the fact, however, that the international community has expressed the undeniable desire that all countries of the world should seek to settle their differences and disputes in keeping with the United Nations Charter and the principles of international law, the policies of pressure, boycott and embargo continues to be pursued by developed countries against developing countries, as can be seen from the issue before us for consideration today.

The economic, financial and trade blockade that has been in place against Cuba for more than three decades has had extremely serious effects on the Cuban people, a people that is small in number and whose resources are limited. It is not at all difficult to assess the additional burdens and hardships that will ensue from the continued imposition of this seige, in the

(Mr. Elhouderi, Libyan Arab Jamahiriya)

light of the information contained in the statement by the Minister of Foreign Affairs of Cuba in the General Assembly last September. In that statement, it was made clear that the intention continues to be to expand and intensify the economic embargo against Cuba, by various means which include the imposition of restrictions on merchant ships trading with Cuba, the obstruction of international trade with Cuba in general and the prevention of that country from purchasing such essentials as medicines, food and oil products.

The building of an international community in which justice, equality and respect for human dignity may prevail in a climate of harmony and constructive international cooperation will be feasible only when the way of life of the past is renounced and the residues of the cold war are swept away. The emergence of such an equitable international community depends on respect for the sovereignty of States, the promotion of dialogue, the renunciation of policies of confrontation and the encouragement of States to settle their differences by peaceful means in line with international covenants. My delegation is of the view that such tendencies which consolidate the effects of current international changes should apply to all aspects of international relations and should result in ending pressures, lifting blockades, embargoes, boycotts, and reversing the freezing of assets by certain developed countries against a number of developing countries, including my own, which has been a victim of such measures for about a decade now. If the States concerned should choose to listen to this call, they will not only promote overall world economic growth but will also consolidate the foundations of constructive international cooperation and pave the way towards friendly relations which would certainly promote international peace and security and create a climate of trust, harmony and cooperation between all peoples.

Mr. TAKHT-RAVANCHI (Islamic Republic of Iran): In the emerging plural and cooperative atmosphere the international community, spared from bloc rivalries, is aspiring to a new era in inter-State relations based on the principles of justice, full respect for the principles and norms of international law, international cooperation, common prosperity, respect for territorial integrity and the sovereign equality of States, non-aggression and non-interference in the internal affairs of other States. Clearly, the rule of law in international relations is, more than ever before, in the forefront.

It is quite appropriate to recall here that the programme of activities of the United Nations Decade of International Law rightly calls upon States to act in accordance with international law and the Charter of the United Nations.

The principle of the sovereign equality of States and that of non-intervention and non-interference in the internal affairs of other States are fundamental principles of international law that form the cornerstone of contemporary international relations. Respect for those principles has been incorporated in a number of international instruments, such as the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes, and the Declaration on Principles of International Law concerning Friendly Relations.

Last year, at the forty-sixth session of the General Assembly, the representative of Cuba elaborated on his Government's positions regarding the item under consideration, namely, "The necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba," and on the hardships the Cuban people have been experiencing for the past 30 years. This morning we also heard the statement of the Permanent Representative of Cuba, in which he referred to a new measure aimed at strengthening the embargo against his country.

(Mr. Takht-Ravanchi, Islamic Republic of Iran)

The Islamic Republic of Iran is cognizant of the difficulties the Cuban nation faces as a result of the embargo. In this regard I should like to quote a paragraph from the final document adopted at the Tenth Summit Meeting of the Movement of Non-Aligned Countries, at Jakarta, which states that the States members

> "urged the Government of the United States to cease its unneighbourly acts against Cuba and to terminate the series of economic, commercial and financial actions imposed upon that country for over three decades, which have inflicted enormous material losses and economic damage."

In conclusion, we once again urge all States to abide by their obligations under international law, which is certainly the basic condition for the maintenance of world peace and security. We also wish to extend our support to any step that the General Assembly may wish to take in order to elevate the rule of law in international relations. It is universally admitted that in the case of a conflict between domestic law and international law the latter prevails over the former. Thus, the international community cannot and should not remain silent in cases of enactment of domestic legislation by a given State aimed at imposing a specific political or economic structure upon another State or at undermining the economic or political stability of another State. Undoubtedly, such measures constitute a violation of the generally accepted principle of non-interference and non-intervention in the internal affairs of States.

Mr. AL-HADDAD (Yemen) (interpretation from Arabic): The representative of Indonesia spoke on behalf of the Movement of Non-Aligned Countries, and we associate ourselves with what he said with regard to the economic blockade against Cuba. The international community, which continues

(Mr. Al-Haddad, Yemen)

to experience profound changes in the course of this period of transition, looks forward to the achievement of the goals of the United Nations Charter and hopes that all States will respect the Charter and the rules of international law governing relations between States.

All countries - large and small, rich and poor - hope to strengthen all kinds of economic and social cooperation amongst them and aspire after the emergence of a world order of justice and peace. The achievement of such goals require that the States Members of the United Nations show respect for the principle of national sovereignty, non-interference in the internal affairs of other countries and respect for the economic, social and political choices of other States.

Under the agenda item now before the General Assembly, the question is not merely the economic and trade blockade against Cuba and the need to lift it. Rather, it is that States Members of the Organization should not enact laws that infringe the sovereignty of other States and that lead, inter alia, to restricting the freedom of trade and navigation or to impose economic, trade or financial blockades against those other States.

The international community's efforts which aim at strengthening international multilateral and bilateral cooperation in all fields, require that all States should honour their commitments, particularly those contained in international instruments, as this would serve to enhance stability and prosperity and ensure the maintenance of international peace and security.

Mr. HADID (Algeria) (interpretation from French): The end of the cold war gave rise to great hopes that dialogue and cooperation in the interest of peace and development would prevail in international relations.

(Mr. Hadid, Algeria)

Those same notions of peace, cooperation and development that have already been debated at length in this Hall also form the basis of our consideration of agenda item 39. The state of the relations between Cuba and the United States of America leads us to reaffirm our view that misunderstandings and bilateral disputes between States Members of the Organization should be addressed through dialogue and through efforts made by each party, in keeping with the new constructive spirit that should prevail in today's world. Such an approach, based on mutual respect for the principles of the United Nations Charter and of international law, would, in our view, contribute to the maintenance of international peace and security and the strengthening of international cooperation for development.

Our debate today also raises the issue of the repercussions on developing countries of recent changes in the countries of Eastern Europe and the former Soviet Union. Those repercussions must be borne in mind as we examine the issue before us. Indeed, the case of Cuba is a particularly eloquent example of their negative effect on a number of developing countries. Linked as it was to the countries of the former socialist group by very close economic ties, 85 per cent of its trade having been with those countries, Cuba's economy has been seriously affected.

(Mr. Hadid, Algeria)

This situation highlights once again the need to give due attention to the strengthening of all aspects of international cooperation so that the changes in Eastern Europe can become a positive factor in the evolution of the world economy. That surely calls for mechanisms and measures that will benefit the developing countries.

We hope that today's debate will promote dialogue and cooperation in the settlement of disputes and the renewal of development for the benefit of all.

Mr. MUMBENGEGWI (Zimbabwe): Allow me to begin by welcoming the statement made by the Ambassador of Indonesia on behalf of the Non-Aligned Movement. The Zimbabwe delegation fully supports his statement.

The end of the cold war brought with it many possibilities hitherto unimaginable. One of the most significant possibilities was that of former adversaries around the world that had previously stood on opposite sides of the ideological divide coming together to resolve their differences through negotiation and dialogue, as called for in the Charter of the United Nations. Zimbabwe would have hoped that, whatever differences might have existed in the past, this global easing of tensions between States would have generated sufficient momentum to render the current debate unnecessary.

Of particular concern to the international community is the fact that what could have been regarded as bilateral differences have assumed an international dimension because of measures that have extraterritorial elements impacting negatively on the sovereign right of every State to engage freely in international trade and other forms of international cooperation, irrespective of any differences in political, economic and social systems, as provided for in the basic principles of the United Nations and of international law.

(Mr. Mumbengegwi, Zimbabwe)

My delegation believes that negotiation and dialogue constitute the best method of settling differences between States Members of our Organization in the post-cold-war era. This is consistent with the call in the Charter for all peoples and nations to practise tolerance and live together in peace as good neighbours, so as to promote the economic and social advance of all peoples, leading to social progress and better standards of life in larger freedom.

Mr. AYALA LASSO (Ecuador) (interpretation from Spanish): I wish to recall, in respect of the item under consideration, that on 30 October this year Ecuador's Ministry of Foreign Relations, in keeping with its traditional international policy, reaffirmed the fundamental validity of the rule of law as the basis of peaceful international relations. The Ministry also addressed the principle of the self-determination of peoples, with all the rights and responsibilities it entails, and reiterated its firm support for the strengthening of representative democracy throughout the region.

In addition, Ecuador confirmed its opposition to policies or measures by which any country attempts to prohibit free commerce between sovereign States. It added that Ecuador would maintain its trade relations within the legitimate exercise of its sovereignty.

Ecuador considers that, even though decisions in the conduct of bilateral trade relations fall under the auspices of national sovereignty, there are general obligations enshrined in multilateral treaties, and that there are other, even more important, obligations related to fostering freedom of trade in a climate of cooperation and solidarity. They are among the positive trends in a world which has now left the cold war behind and is seeking to build a more just and constructive future. These obligations must be accepted and respected.

(Mr. Ayala Lasso, Ecuador)

As for the problem that has given rise to the draft resolution before us, my country is of the view that dialogue and agreement between the parties directly involved would be the most appropriate peaceful means of resolving the matter. I hope that this will come about as soon as possible so that, at the same time, in a climate of mutual respect between all States, democracy may flourish more vigorously and the rule of law may grow stronger throughout our hemisphere.

Mr. WATSON (United States of America): The Government of Cuba would have us believe that it is a defender of international law and free commerce and navigation. In fact, the Government of Cuba is using these lofty sentiments as a pretext. What it really wants is to involve the international community in one aspect of its bilateral relations with the United States: the United States economic embargo against Cuba.

The United States chooses not to trade with Cuba for good reasons. The Government of Cuba, in violation of international law, expropriated billions of dollars worth of private property belonging to United States individuals, and has refused to make reasonable restitution. The United States embargo - it is not a blockade - is therefore a legitimate response to the unreasonable and illegal behaviour of the Cuban Government. I need not labour here the fact that economic embargoes have been used fairly often by other States throughout the world.

In addition, the United States chooses not to trade with Cuba because of our concerns about human-rights abuses and the lack of democracy in Cuba. We believe that the future of Cuba should be determined by the Cuban people and not by a regime imposed upon them.

(Mr. Watson, United States)

Cubans should be able to enjoy freedom of speech and association and the basic human rights recognized by this great institution. Unfortunately, the behaviour of the Cuban Government on all of these issues has not become more reasonable with the passage of time. In contrast to the policy of the Cuban Government towards its own population, the United States embargo is not designed to hurt the Cuban people.

The truth is that Cuba is, and always has been, able to purchase goods from any country in the world except the United States and its firms. Moreover, embargo regulations allow the licensing of humanitarian donations, including medicine and medical supplies, from United States sources to non-governmental organizations in Cuba.

In addition, after complying with licensing and verification procedures, even the Cuban Government can now purchase medicine directly from the United States. Licences for the shipment of millions of dollars' worth of medicines, medical equipment and humanitarian packages have been approved during the current year. This continues - and in some ways it is easier - under the Cuban Democracy Act.

The problems that Cuba faces are due to its refusal to adopt economic and political reforms - not to external conditions. We understand that some Governments are concerned about the Cuban Democracy Act ban on trade by United States subsidiaries. The United States Government believes that these concerns are best addressed through normal bilateral channels, and certainly not in a General Assembly resolution.

Cuba uses the Cuban Democracy Act as a pretext. What it really wants is a debate on its bilateral relations with the United States, as is evidenced by

(Mr. Watson, United States)

its intemperate statement this morning. This propaganda exercise at the United Nations - and that is what Cuba's effort is - does nothing to resolve any concerns that others may have regarding the Cuban situation.

In our view, the General Assembly is not the forum, nor is the Cuban resolution the vehicle, to address the essentially bilateral issue of the embargo. Accordingly, we urge the Assembly not to support the Cuban draft resolution now before it.

The PRESIDENT (interpretation from French): Having heard the last speaker in the debate on this item, we shall now proceed to consider draft resolution A/47/L.20/Rev.1.

I shall now call on those representatives who wish to explain their votes before the voting.

May I remind delegations that, in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. MONGBE (Benin) (interpretation from French): In a few moments we shall take a decision on draft resolution A/47/L.20/Rev.1 on the necessity of ending the economic, commercial and financial embargo against Cuba, which was submitted under agenda item 39. The fact that this item comes up annually and is debated in plenary meetings demonstrates the importance that the international community attaches to it.

There is a danger of failure to see that this matter has deep ideological roots, but it is a crucial economic issue, which has now assumed very serious humanitarian proportions. The Benin which I represent has turned its back on

(Mr. Mongbe, Benin)

a certain ideology, which supposedly wanted the best for society but proceeded to try to achieve that goal by secret measures against people, despite the fact that people should be the very focus of all economic and social development. Thus, my delegation would like its vote not to be understood as support for a Government or regime guided by such an ideology.

Benin is fully committed to the democratic ideal and to fundamental human and people's rights. Hence my delegation cannot but endorse any measure that would ease the suffering of human beings. But what do we see? The international press - especially the American press - tells us what the situation is: The blockade against Cuba, which has been in force for several years, has had serious consequences for the lives of the Cuban people. When two elephants fight, their heads and trunks do not suffer; rather, it is the grass under their feet that is damaged. This is an old African proverb.

It is difficult for one to imagine the extent of the food restrictions to which the citizens of Cuba are subjected. According to press reports that we have all read, the situation worsened, after the major upheavals in East-West relations; that, in turn, has led to a fundamental change in the economic and commercial relations between Cuba and formerly Communist countries.

Benin is linked by sincere and deep friendship with all countries in the western hemisphere. This friendship has been woven over centuries of history. The suffering of a people in this region is shared and felt by people on the other side of the Atlantic, where Benin is situated. Thus my delegation's vote will reflect the hope of people who are deprived of the necessities of life - medicines, fuel and basic commodities - in other words, the right to life and survival. So our vote will be a vote of hope. Our vote will be displayed in green.

(Mr. Mongbe, Benin)

My delegation will vote in favour of draft resolution A/47/L.20/Rev.1. It will do so without any bitterness, without any feeling of hostility against any country whatsoever. In so voting, we shall be issuing a friendly invitation to the parties - the United States of America and Cuba - finally to begin responsible negotiations to put an end to the enmity that has brought such suffering to their peoples. My delegation will vote for mankind, for humanism.

Mr. RICHARDSON (United Kingdom): I am speaking on behalf of the European Community and its member States.

The opposition of the European Community and its member States to the extraterritorial application of national legislation is well known. The Community and its member States have consistently been on record in opposing the unilateral extension by the United States of a reach of trade measures implementing United States foreign or national security policies. Accordingly they have opposed legislative initiatives, including the Cuban Democracy Act, intended to tighten further the United States trade embargo on Cuba by the extraterritorial application of United States jurisdiction.

(Mr. Richardson, United Kingdom)

They consider this to be a violation of the general principles of international law and the sovereignty of independent nations.

Although the European Community and its member States are fully supportive of the peaceful transition to democracy in Cuba, they cannot accept that the United States unilaterally determines and restricts European Community economic and commercial relations with any foreign nation which has not been collectively determined by the United Nations Security Council to be a threat to international peace and security.

The European Community and its member States believe, however, that the United States trade embargo against Cuba is primarily a bilateral matter for the Governments of the United States and Cuba.

The European Community and its member States will have these concerns in mind when voting on this draft resolution.

Mr. VAN DUNEM "MBINDA" (Angola): In recent years the world has been witness to profound changes in international relations with particular relevance to the end of the cold war, which opens an era of hope for the resolution of various international, regional and other conflicts that have appeared insoluble through dialogue. However, we note with concern that in some regions there still exist situations that will not benefit from this hope of the end of the cold war that we all share.

We should like to refer to the question that concerns us at this time: the economic and financial blockade imposed against Cuba by the United States of America.

As a matter of fact, Cuba has been suffering the effects of a severe blockade that has seriously affected its development, with serious

(Mr. Van Dunem "Mbinda", Angola)

consequences for the well being of its people. This situation has been aggravated with the adoption last October of the so-called Torrecelli Law intended to strengthen the embargo and to extend its application beyond the borders of the United States of America.

This law affects not only Cuba but, as we can realize, also the sovereignty of other States, freedom of navigation and free international trade, as is acknowledged by various countries and international organizations, and especially the Economic Community, which has affirmed that "This law and other measures constitute a violation of the general principles of international law."

It would perhaps not be an error in judgement if we concluded that this embargo and its strengthening through the Torrecelli Law, seeks to strangle the economy and, accordingly, the social life of Cuba and to oblige that country to change its political system - this in flagrant violation of the principle of the self-determination of peoples, of their freely choosing their destinies without foreign interference, basic and fundamental principles set forth in the United Nations Charter, with which all Member States are obliged to comply.

In this context, we think that the right freely to determine their own destiny is a matter solely for the Cuban people to decide. It is also our conviction that the Cuban people should not be detached from the transformations that are taking place in the international arena.

For those reasons, and out of a profound respect for human rights, my delegation is in favour of the draft resolution calling for the lifting of the embargo, and it hopes that, through frank and open dialogue based on mutual

(Mr. Van Dunem "Mbinda", Angola)

respect and sovereign equality, the solution of this lengthy dispute will be possible. I am sure of that.

Mr. BUTLER (Australia): The Australian delegation regrets the way in which this draft resolution has come to the Assembly. One outcome of that passage of events has been some unfortunate imprecision in the language of the draft, and there is also of course the dissonance that exists between its title and its content.

In today's debate some speakers have stated their view that what is at issue in this draft resolution is the vital question of free and fair trade. On that subject, the commitment of Australia to free and fair trade under the rules of the General Agreement on Tariffs and Trade (GATT) and to a successful conclusion of the Uruguay Round is a total commitment and widely known. We will continue to pursue that goal with every determination.

But because this draft resolution was born of a relatively narrow purpose, and is somewhat skewed, it is very unlikely to serve that wider purpose to which so many of us are committed, free and fair world trade. It is principally for that reason that my delegation will abstain in the voting on this draft resolution.

Mr. KUDRYAVTSEV (Russian Federation) (interpretation from Russian): The Russian delegation will abstain in the voting on the draft resolution in document A/47/L.20/Rev.1 because we believe that, in order to resolve specific issues relating to trade and economic relations, it is more appropriate to consider them within the context of bilateral negotiations between States rather than in international forums.

(Mr. Kudryavtsev, Russian Federation)

At the same time we share the concern that has been expressed by a number of States in connection with the so-called Torricelli Law recently adopted in the United States. In our opinion that legislation is contrary to a whole series of provisions of contemporary international law.

Russia consistently advocates democratization and respect for human rights. However, we do not regard it as proper, from the legal viewpoint, to apply coercion and pressure in these matters, particularly measures that were part of the past cold war era.

As far as our economic relations with Cuba are concerned, they have been shifted onto a depoliticized, equal and mutually beneficial basis, onto a normal civilized level of inter-State relations.

Precisely such an approach is characteristic of the recent agreement concluded between the Russian Federation and Cuba relating to trade and economic cooperation, merchant shipping and other issues related to trade relations.

Mr. MALONE (Canada): The draft resolution on which we shall now vote involves complex legal and political issues. Canada has experienced the effects of inappropriate attempts to assert extraterritorial jurisdiction, and we have developed our own means to deal with them. The draft resolution before us embodies certain legal principles that Canada believes must be respected. As a result, we shall vote for the resolution.

Our support for this draft resolution and the principles it embodies does not relate to the specific dispute between Cuba and the United States alluded to in the title of the draft resolution, nor does it in any way suggest complacency with respect to Cuba's human rights record.

Mr. O'BRIEN (New Zealand): New Zealand will vote for the draft resolution before us not because we are particularly attracted to the text as it stands, but because we do think that there is an important underlying principle at stake with direct implications for our own economic and trading interests. In particular, we think that countries such as our own must be able to go about their ordinary trade and commercial business free from the extraterritorial reach of legislation imposed unilaterally by third countries.

That said, New Zealand would have preferred a draft resolution on this subject to be concerned solely with the issue of principle at stake. We regret that certain extraneous material has been introduced by drawing selectively on the principles contained in the United Nations Charter. That does detract from the overall principle involved, but we do fully support that principle.

Mr. PIRIZ BALLON (Uruguay) (interpretation from Spanish): Independent of the specific, concrete case that led to the introduction of this draft resolution, and without prejudice to the reservations we might have about the legal appropriateness of the use of the word "embargo" in the heading of the draft resolution, Urugay, which sees international law as the cornerstone of its foreign policy, cannot but support the text before us.

In fact, if every State in exercise of its sovereignty is totally free to decide with which other States it wishes to trade or to cease trading, it is then not possible to accept that a State might seek to extend to other countries the effects of its domestic legislation, thus improving or threatening to impose damages against those third States for trading with the State that was the subject of such domestic legislation.

We are of the view that to apply such a policy is tantamount to seeking to extend the territorial jurisdiction of a State, which is a breach of the principle of sovereign equality of States; that it is in effect interference in the internal affairs of other States; and that it runs counter to the principles and norms of international law governing the freedom of trade and navigation.

The PRESIDENT (interpretation from French): I shall now put to the vote draft resolution A/47/L.20/Rev.1.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Angola, Barbados, Benin, Brazil, Burkina Faso, Burundi, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Ecuador, Equatorial Guinea, France, Ghana, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mexico, Myanmar, Namibia, New Zealand, Niger, Nigeria, Pakistan, Papua New Guinea, Spain, Sudan, Swaziland, Syrian Arab Republic, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, Romania, United States of America

Abstaining: Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belarus, Belgium, Belize, Bolivia, Brunei Darussalam, Bulgaria, Cameroon, Chad, Costa Rica, Côte d'Ivoire, Czechoslovakia, Denmark, El Salvador, Ethiopia, Fiji, Finland, Gabon, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kuwait, Liechtenstein, Luxembourg, Maldives, Marshall Islands, Micronesia (Federated States of), Nepal, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Singapore, Slovenia, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, Zaire

Draft resolution A/47/L.20/Rev.1 was adopted by 59 votes to 3, with 71 abstentions (resolution 47/19).*

The PRESIDENT (interpretation from French): In view of the lateness of the hour, representatives on the list of speakers in explanation of vote after the vote will be called on first at this afternoon's meeting.

The meeting rose at 1.35 p.m.

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* Subsequently the delegation of Lebanon advised the Secretariat that it had intended to abstain.